

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GLAXOSMITHKLINE LLC

Plaintiff,

- against -

ORDER

10-CV-1819 (RRM)(RER)

UNITED TREATMENT CENTERS, INC., TODD
SPINNELLI, AND FRANK OTTAVIANI

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff GlaxoSmithKline LLC (“GSK”) settled this trademark infringement action with defendants United Treatment Centers, Inc., Todd Spinnelli, and Frank Ottaviani on April 6, 2011. Pursuant to the terms of the settlement agreement, this Court maintains jurisdiction over the settlement agreement to enforce any violations thereof. (*See* Final Judgment and Permanent Injunction on Consent (Doc. No. 30) at ¶ 19.) Presently before the Court is GSK’s request for a hearing to “address Defendants’ breach of and outstanding obligations under the Settlement Agreement and the April 7, 2011[sic] Judgment and Order.” (Doc. No. 37 at 2.)

The Court DENIES GSK’s request for a hearing because it is not made pursuant to any formal mechanism to enforce the terms of the settlement agreement. In other words, requesting a hearing to address the defendants’ breach is not the proper means to ask the Court to enforce the settlement agreement. *See* Fed. R. Civ. P. 69.

GSK shall mail a copy of this Order to each defendant¹ and file a letter with the Court confirming such mailing.

¹ Defendants’ counsel withdrew from representing defendants on December 28, 2012. (*See* Doc. No. 33 and Dec. 28, 2012 Electronic Order.) As such, defendants are now *pro se*. However, as to the corporate defendant, “it is

SO ORDERED.

Dated: Brooklyn, New York
February 24 , 2013

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge

settled law that a corporation cannot generally appear in federal court except through its lawyer.” *Jacobs v. Patent Enforcement Fund, Inc.*, 230 F.3d 565, 568 (2d Cir. 2000) (citations omitted).